



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,495	06/28/2001	Denison W. Bollay	D-1535	8143
7590	09/14/2004		EXAMINER	
Owen L. Lamb PO Box 240 Santa Barbara, CA 93102-0240			YOUNG, JOHN L	
			ART UNIT	PAPER NUMBER
			3622	
DATE MAILED: 09/14/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/895,495

Applicant(s)

BOLLAY, DENISON W. 

Examiner

John L Young

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

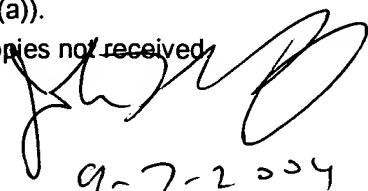
- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

JOHN LEONARD YOUNG, ESQ.
PRIMARY EXAMINER



9-7-2004

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 3622

FIRST ACTION REJECTION

(Paper# 9/7/2004)

DRAWINGS

1. This application has been filed with drawings that are considered informal; however, said drawings are acceptable for examination and publication purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

CLAIM REJECTIONS — 35 U.S.C. §103(a)

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter

Art Unit: 3622

pertains. Patentability shall not be negated by the manner
in which the invention was made.

2. Claims 1-20 are rejected under 35 U.S.C. §103(a) as being obvious over Saxe US 5,636,346 (6/3/1997) (herein referred to as "Saxe").

As per claim 1, Saxe (the ABSTRACT; FIG. 1, FIG. 2; col. 4, ll. 17-55; col. 1, ll. 30-55; col. 2, ll. 10-32; col. 3, ll. 18-45; col. 5, ll. 40-52; col. 6, ll. 48-67; col. 7, ll. 1-30; col. 8, ll. 35-67; col. 9, ll. 35-56; and whole document) implicitly shows: "A communication network; an ad server; an information provider; and, an advertising display server; said server, information provider and advertising display server being connected to said communication network; said ad server having stored therein, a visitor's IP address, and other visitor-related information; said information provider having stored therein latitude and longitude coordinates of a visitor's geographical location; said advertising display server having stored in two caches, data subsets separated from data collected from said ad server and said information provider, a first of said caches having stored therein a per-advertiser data subset, a second of said caches having stored therein a per-site data subset."

Saxe lacks an explicit recitation of "a visitor's IP address . . . [and] said advertising display server having stored in two caches, data subsets separated from data collected from said ad server and said information provider, a first of said caches having stored therein a per-advertiser data subset, a second of said caches having stored therein a

Art Unit: 3622

per-site data subset.”

It would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Saxe (the ABSTRACT; FIG. 1, FIG. 2; col. 4, ll. 17-55; col. 1, ll. 30-55; col. 2, ll. 10-32; col. 3, ll. 18-45; col. col. 5, ll. 40-52; col. 6, ll. 48-67; col. 7, ll. 1-30; col. 8, ll. 35-67; col. 9, ll. 35-56; and whole document) implicitly shows “a visitor’s IP address . . . [and] said advertising display server having stored in two caches, data subsets separated from data collected from said ad server and said information provider, a first of said caches having stored therein a per-advertiser data subset, a second of said caches having stored therein a per-site data subset. . . .”, and it would have been obvious to modify and interpret the disclosure of Saxe cited above as implicitly showing “a visitor’s IP address . . . [and] said advertising display server having stored in two caches, data subsets separated from data collected from said ad server and said information provider, a first of said caches having stored therein a per-advertiser data subset, a second of said caches having stored therein a per-site data subset. . . .”, because modification and interpretation of the cited disclosure of Saxe would have provided means to “[model] target audience profiles into encoded binary streams using other proprietary binary conversion rules . . . and then to . . . [match] . . . specific audience parameters, characteristics and profiles desired by the marketers. . . .” (see Saxe (col. 2, ll. 50-67)), based on the motivation to modify Saxe so as to “provide instant polling tallies . . . and actual, rather than estimated, program and commercial delivery data and ratings. . . .” (see Saxe (col. 3, ll. 35-45)).

Art Unit: 3622

As per claims 2-7, Saxe shows the system of claim 1 and subsequent base claims depending from claim 1.

Saxe (the ABSTRACT; FIG. 1, FIG. 2; col. 4, ll. 17-55; col. 1, ll. 30-55; col. 2, ll. 10-32; col. 3, ll. 18-45; col. col. 5, ll. 40-52; col. 6, ll. 48-67; col. 7, ll. 1-30; col. 8, ll. 35-67; col. 9, ll. 35-56; and whole document) implicitly shows all elements and limitations of claims 2-7; however,

Saxe lacks explicit recitation of some elements of claims 2-7, even though Saxe cited above implicitly shows same.

Official Notice is taken that both the concepts and the advantages of the elements and limitations of dependent claims 2-7 were notoriously well known and expected in the art at the time of the invention, because it would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure Saxe (the ABSTRACT; FIG. 1, FIG. 2; col. 4, ll. 17-55; col. 1, ll. 30-55; col. 2, ll. 10-32; col. 3, ll. 18-45; col. col. 5, ll. 40-52; col. 6, ll. 48-67; col. 7, ll. 1-30; col. 8, ll. 35-67; col. 9, ll. 35-56; and whole document) implicitly shows those elements and limitations of claims 2-7 which are not explicitly recited in Saxe; and it would have been obvious to modify and interpret the disclosure of Saxe cited above as showing all of the elements and limitations of claims 2-7, because modification and interpretation of the cited disclosure of Saxe would have provided means to “[model] target audience profiles into encoded binary streams using other proprietary binary conversion rules . . . and then to . . . [match] . . .

Art Unit: 3622

specific audience parameters, characteristics and profiles desired by the marketers. . . .

(see Saxe (col. 2, ll. 50-67)), based on the motivation to modify Saxe so as to “*provide instant polling tallies . . . and actual, rather than estimated , program and commercial delivery data and ratings. . . .*” (see Saxe (col. 3, ll. 35-45)).

As per claim 8, Saxe (the ABSTRACT; FIG. 1, FIG. 2; col. 4, ll. 17-55; col. 1, ll. 30-55; col. 2, ll. 10-32; col. 3, ll. 18-45; col. col. 5, ll. 40-52; col. 6, ll. 48-67; col. 7, ll. 1-30; col. 8, ll. 35-67; col. 9, ll. 35-56; and whole document) implicitly shows: “A method of processing information by computer comprising steps of . . . storing collected data which includes a visitor’s IP address, and other visitor-related information, said collected data further including latitude and longitude coordinates of a visitor’s geographical location . . . separating said collected data into two subsets, a per-advertiser data subset, and a per-site data subset . . . transferring to either a web page on said [Internet] or a server, a site-viewed applet and an advertiser-viewpoint applet, each applet capable of processing a data subset display, on a web page, indicia on a map, said indicial being located on said map according to geographical locations of Internet visitors; and . . . selectively feeding said per-site data subset to said site-viewpoint applet and said per-advertiser data subset to said advertiser-viewpoint applet.”

Saxe lacks an explicit recitation of “a visitor’s IP address . . separating said collected data into two subsets, a per-advertiser data subset, and a per-site data subset . . . transferring to either a web page on said [Internet] or a server, a site-viewed applet and an

Art Unit: 3622

advertiser-viewpoint applet, each applet capable of processing a data subset display, on a web page, indicia on a map, said indicial being located on said map according to geographical locations of Internet visitors; and . . . selectively feeding said per-site data subset to said site-viewpoint applet and said per-advertiser data subset to said advertiser-viewpoint applet.”

It would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Saxe (the ABSTRACT; FIG. 1, FIG. 2; col. 4, ll. 17-55; col. 1, ll. 30-55; col. 2, ll. 10-32; col. 3, ll. 18-45; col. col. 5, ll. 40-52; col. 6, ll. 48-67; col. 7, ll. 1-30; col. 8, ll. 35-67; col. 9, ll. 35-56; and whole document) implicitly shows “a visitor’s IP address . . . separating said collected data into two subsets, a per-advertiser data subset, and a per-site data subset . . . transferring to either a web page on said [Internet] or a server, a site-viewed applet and an advertiser-viewpoint applet, each applet capable of processing a data subset display, on a web page, indicia on a map, said indicial being located on said map according to geographical locations of Internet visitors; and . . . selectively feeding said per-site data subset to said site-viewpoint applet and said per-advertiser data subset to said advertiser-viewpoint applet. . . .”, and it would have been obvious to modify and interpret the disclosure of Saxe cited above as implicitly showing “a visitor’s IP address . . . separating said collected data into two subsets, a per-advertiser data subset, and a per-site data subset . . . transferring to either a web page on said [Internet] or a server, a site-viewed applet and an advertiser-viewpoint applet, each applet capable of processing a data subset display, on a web page, indicia on a map, said

Art Unit: 3622

indicial being located on said map according to geographical locations of Internet visitors; and . . . selectively feeding said per-site data subset to said site-viewpoint applet and said per-advertiser data subset to said advertiser-viewpoint applet. . . .”, because modification and interpretation of the cited disclosure of Saxe would have provided means to *“[model] target audience profiles into encoded binary streams using other proprietary binary conversion rules . . . and then to . . . [match] . . . specific audience parameters, characteristics and profiles desired by the marketers. . . .”* (see Saxe (col. 2, ll. 50-67)), based on the motivation to modify Saxe so as to *“provide instant polling tallies . . . and actual, rather than estimated , program and commercial delivery data and ratings. . . .”* (see Saxe (col. 3, ll. 35-45)).

As per claims 9-12, Saxe shows the method of claim 13 and subsequent base claims depending from claim 13.

Saxe (the ABSTRACT; FIG. 1, FIG. 2; col. 4, ll. 17-55; col. 1, ll. 30-55; col. 2, ll. 10-32; col. 3, ll. 18-45; col. col. 5, ll. 40-52; col. 6, ll. 48-67; col. 7, ll. 1-30; col. 8, ll. 35-67; col. 9, ll. 35-56; and whole document) implicitly shows all elements and limitations of claims 9-12; however,

Saxe lacks explicit recitation of some elements of claims 9-12, even though Saxe cited above implicitly shows same.

Official Notice is taken that both the concepts and the advantages of the elements and limitations of dependent claims 9-12 were notoriously well known and expected in

Art Unit: 3622

the art at the time of the invention, because it would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure Saxe (the ABSTRACT; FIG. 1, FIG. 2; col. 4, ll. 17-55; col. 1, ll. 30-55; col. 2, ll. 10-32; col. 3, ll. 18-45; col. col. 5, ll. 40-52; col. 6, ll. 48-67; col. 7, ll. 1-30; col. 8, ll. 35-67; col. 9, ll. 35-56; and whole document) implicitly shows those elements and limitations of claims 9-12 which are not explicitly recited in Saxe; and it would have been obvious to modify and interpret the disclosure of Saxe cited above as showing all of the elements and limitations of claims 9-12, because modification and interpretation of the cited disclosure of Saxe would have provided means to “[model] target audience profiles into encoded binary streams using other proprietary binary conversion rules . . . and then to . . . [match] . . . specific audience parameters, characteristics and profiles desired by the marketers. . . .” (see Saxe (col. 2, ll. 50-67)), based on the motivation to modify Saxe so as to “provide instant polling tallies . . . and actual, rather than estimated , program and commercial delivery data and ratings. . . .” (see Saxe (col. 3, ll. 35-45)).

As per claim 13, Saxe (the ABSTRACT; FIG. 1, FIG. 2; col. 4, ll. 17-55; col. 1, ll. 30-55; col. 2, ll. 10-32; col. 3, ll. 18-45; col. col. 5, ll. 40-52; col. 6, ll. 48-67; col. 7, ll. 1-30; col. 8, ll. 35-67; col. 9, ll. 35-56; and whole document) implicitly shows: “an Internet user web page accessible to a user, a program comprising steps of . . . receiving user-specific data related to visitors of Internet web sites upon which ads have been placed on a public web page accessible to Internet Web page visitors, said ads having been placed in

Art Unit: 3622

accordance with an ad campaign strategy of an advertiser; said user-specific data including ad impressions, IP addresses of visitors and geographical data including locations of IP addresses of said visitors; and . . . plotting indicia representing ad impressions for a site included in said user-specific data on a map on a private web page.”

Saxe lacks explicit recitation of “an Internet user web page accessible to a user, a program comprising steps of . . . receiving user-specific data related to visitors of Internet web sites upon which ads have been placed on a public web page accessible to Internet Web page visitors . . . said user-specific data including . . . IP addresses of visitors and geographical data including locations of IP addresses of said visitors. . . .”

It would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Saxe (the ABSTRACT; FIG. 1, FIG. 2; col. 4, ll. 17-55; col. 1, ll. 30-55; col. 2, ll. 10-32; col. 3, ll. 18-45; col. col. 5, ll. 40-52; col. 6, ll. 48-67; col. 7, ll. 1-30; col. 8, ll. 35-67; col. 9, ll. 35-56; and whole document) implicitly shows “an Internet user web page accessible to a user, a program comprising steps of . . . receiving user-specific data related to visitors of Internet web sites upon which ads have been placed on a public web page accessible to Internet Web page visitors . . . said user-specific data including . . . IP addresses of visitors and geographical data including locations of IP addresses of said visitors. . . .” and it would have been obvious to modify and interpret the disclosure of Saxe cited above as implicitly showing “an Internet user web page accessible to a user, a program comprising steps of . . . receiving user-specific data related to visitors of Internet web sites upon which ads have been placed on a public

Art Unit: 3622

web page accessible to Internet Web page visitors . . . said user-specific data including . . . IP addresses of visitors and geographical data including locations of IP addresses of said visitors. . . .”, because modification and interpretation of the cited disclosure of Saxe would have provided means to “[model] target audience profiles into encoded binary streams using other proprietary binary conversion rules . . . and then to . . . [match] . . . specific audience parameters, characteristics and profiles desired by the marketers. . . .” (see Saxe (col. 2, ll. 50-67)), based on the motivation to modify Saxe so as to “provide instant polling tallies . . . and actual, rather than estimated , program and commercial delivery data and ratings. . . .” (see Saxe (col. 3, ll. 35-45)).

As per claims 14-15, Saxe shows the program of claim 13 and subsequent base claims depending from claim 13.

Saxe (the ABSTRACT; FIG. 1, FIG. 2; col. 4, ll. 17-55; col. 1, ll. 30-55; col. 2, ll. 10-32; col. 3, ll. 18-45; col. col. 5, ll. 40-52; col. 6, ll. 48-67; col. 7, ll. 1-30; col. 8, ll. 35-67; col. 9, ll. 35-56; and whole document) implicitly shows all elements and limitations of claims 14-15; however,

Saxe lacks explicit recitation of some elements of claims 14-15, even though Saxe cited above implicitly shows same.

Official Notice is taken that both the concepts and the advantages of the elements and limitations of dependent claims 14-15 were notoriously well known and expected in the art at the time of the invention, because it would have been obvious at the time the

Art Unit: 3622

invention was made to a person having ordinary skill in the art that the disclosure Saxe (the ABSTRACT; FIG. 1, FIG. 2; col. 4, ll. 17-55; col. 1, ll. 30-55; col. 2, ll. 10-32; col. 3, ll. 18-45; col. col. 5, ll. 40-52; col. 6, ll. 48-67; col. 7, ll. 1-30; col. 8, ll. 35-67; col. 9, ll. 35-56; and whole document) implicitly shows those elements and limitations of claims 14-15 which are not explicitly recited in Saxe; and it would have been obvious to modify and interpret the disclosure of Saxe cited above as showing all of the elements and limitations of claims 14-15, because modification and interpretation of the cited disclosure of Saxe would have provided means to “[model] target audience profiles into encoded binary streams using other proprietary binary conversion rules . . . and then to . . . [match] . . . specific audience parameters, characteristics and profiles desired by the marketers. . . .” (see Saxe (col. 2, ll. 50-67)), based on the motivation to modify Saxe so as to “provide instant polling tallies . . . and actual, rather than estimated , program and commercial delivery data and ratings. . . .” (see Saxe (col. 3, ll. 35-45)).

Independent claim 16 is rejected for substantially the same reasons as independent claim 13.

As per claims 17-20, Saxe shows the method of claim 16 and subsequent base claims depending from claim 16.

Saxe (the ABSTRACT; FIG. 1, FIG. 2; col. 4, ll. 17-55; col. 1, ll. 30-55; col. 2, ll. 10-32; col. 3, ll. 18-45; col. col. 5, ll. 40-52; col. 6, ll. 48-67; col. 7, ll. 1-30; col. 8, ll. 35-

Art Unit: 3622

67; col. 9, ll. 35-56; and whole document) implicitly shows all elements and limitations of claims 17-20; however,

Saxe lacks explicit recitation of some elements of claims 17-20, even though Saxe cited above implicitly shows same.

Official Notice is taken that both the concepts and the advantages of the elements and limitations of dependent claims 17-20 were notoriously well known and expected in the art at the time of the invention, because it would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure Saxe (the ABSTRACT; FIG. 1, FIG. 2; col. 4, ll. 17-55; col. 1, ll. 30-55; col. 2, ll. 10-32; col. 3, ll. 18-45; col. col. 5, ll. 40-52; col. 6, ll. 48-67; col. 7, ll. 1-30; col. 8, ll. 35-67; col. 9, ll. 35-56; and whole document) implicitly shows those elements and limitations of claims 17-20 which are not explicitly recited in Saxe; and it would have been obvious to modify and interpret the disclosure of Saxe cited above as showing all of the elements and limitations of claims 17-20, because modification and interpretation of the cited disclosure of Saxe would have provided means to “[model] target audience profiles into encoded binary streams using other proprietary binary conversion rules . . . and then to . . . [match] . . . specific audience parameters, characteristics and profiles desired by the marketers. . . .” (see Saxe (col. 2, ll. 50-67)), based on the motivation to modify Saxe so as to “provide instant polling tallies . . . and actual, rather than estimated, program and commercial delivery data and ratings. . . .” (see Saxe (col. 3, ll. 35-45)).

Art Unit: 3622

CONCLUSION

3. Any response to this action should be mailed to:

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Any response to this action may be sent via facsimile to either:

(703)305-7687 (for formal communications EXPEDITED PROCEDURE) or

(703) 305-7687 (for formal communications marked AFTER-FINAL) or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Seventh Floor Receptionist
Crystal Park V
2451 Crystal Drive
Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Serial Number: 09/895,495

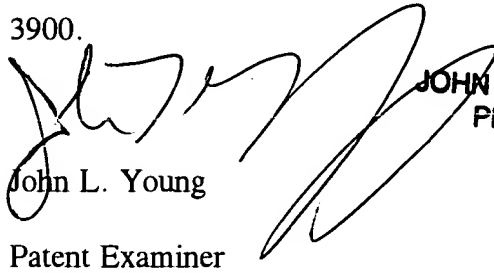
(Bollay)

15

Art Unit: 3622

Eric Stamber, may be reached at (703) 305-8469.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

 **JOHN LEONARD YOUNG, ESQ.**
PRIMARY EXAMINER
John L. Young
Patent Examiner

September 7, 2004